

## Message Text

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ORIGIN ARA-14

INFO OCT-01 ISO-00 EB-07 L-03 TRSE-00 CAB-05 CIAE-00  
COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02  
FAA-00 AGRE-00 INSE-00 VO-03 SCA-01 USIA-15 /058 R

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APPROVED BY ARA/CAR:TJCHEAVNER

ARA/CAR:RJSURBER

EB:SKEITER

L/ARA:FWILLIS

DESIRED DISTRIBUTION

CUSTOMS

-----126981 291757Z /46

R 291518Z JUN 77  
FM SECSTATE WASHDC  
TO AMEMBASSY NASSAU

UNCLAS STATE 151096

E.O. 11652: N/A

TAGS:EAIR, BH

SUBJECT:PRECLEARANCE LEGISLATION

REF: NASSAU 538, 311, 858

1. DEPARTMENT HAS RECEIVED ALTERNATE DRAFT FOUR OF  
SUGGESTED PRECLEARANCE LEGISLATION IN BAHAMAS FROM CUSTOMS  
REGIONAL COUNSEL IN MIAMI, DENNIS SNYDER. SNYDER SAYS  
DRAFT HAS FULL APPROVAL OF REGIONAL COMMISSIONER OF  
CUSTOMS, MIAMI, AND WASHINGTON HEADQUARTERS.

2. CUSTOMS AGREES WITH BAHAMIAN PER SEC RUSSELL THAT  
MERE POSSESSION OF AN ARTICLE SHOULD NOT BE MADE CRIME  
IN BAHAMAS. ACCORDINGLY, OBJECTIONABLE LANGUAGE IN  
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PARAGRAPH TWO (A) (II) OF PREVIOUS DRAFT HAS BEEN DELETED.  
CUSTOMS ALSO AGREES WITH PERM SEC RUSSELL THAT LEGISLATION  
SHOULD REINFORCE POWER OF CUSTOMS OFFICER TO REFUSE  
PRECLEARANCE TO PASSENGER. ACCORDINGLY NEW PARAGRAPH  
FIVEHASBEEN ADDED, AND PREVIOUS PARAGRAPHS FIVE AND SIX  
RENUMBERED AS PARAGRAPHS SIX AND SEVEN RESPECTIVELY.

3. FOLLOWING IS SUGGESTED LANGUAGE OF ACT. BRACKETED PHRASES ALLOW BAHAMIAN AUTHORITIES TO CHOOSE OR SUBSTITUTE LANGUAGE CONFORMING TO BAHAMIAN LEGAL TERMINOLOGY.

4. QUOTE. AN ACT TO ESTABLISH CERTAIN OFFENSES IN CONNECTION WITH THE IMPLEMENTATION OF THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF THE BAHAMAS ON PRECLEARANCE SIGNED AT NASSAU, 23 APRIL 1974.

(BE IT ENACTED...)

1. ANY PERSON BOARDING OR ATTEMPTING TO BOARD AN AIRCRAFT SUBJECT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF THE BAHAMAS ON PRECLEARANCE SIGNED AT NASSAU, 23 APRIL 1974 SHALL BE LIABLE TO AN INSPECTION BY AN OFFICER OF A UNITED STATES INSPECTORIAL AGENCY OR A (PEACE OFFICER) (LAW ENFORCEMENT OFFICER) OF THIS COMMONWEALTH OF ALL HANDBAGS, LUGGAGE OR CONTAINERS OF ANY TYPE IN THE PASSENGERS POSSESSION TO DETERMINE IF HE IS IN THE POSSESSION OF ANY ITEM SPECIFIED IN 2 BELOW; PROVIDED FURTHER, THAT SUCH PERSON SHALL ALSO BE LIABLE TO A PERSONAL SEARCH BY A (PEACE OFFICER)(LAW ENFORCEMENT OFFICER) OF THIS COMMONWEALTH.

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2. IT SHALL BE (UNLAWFUL) (AN INDICTABLE OFFENSE) -  
(A) FOR ANY PERSON TO BOARD OR ATTEMPT TO BOARD ANY AIRCRAFT SUBJECT TO SUCH AGREEMENT OR EXCHANGE OF NOTES IN POSSESSION OF: (I) MERCANDISE OR ARTICLES WHICH HAVE BEEN FALSELY DECLARED OR NOT DECLARED TO INSPECTORIAL PERSONNEL OF THE UNITED STATES STATIONED IN THIS COMMONWEALTH IN ACCORDANCE WITH SUCH GOVERNMENT'S REQUIREMENTS; OR (II) DOCUMENTS RELEVANT TO HIS IMMIGRATION STATUS WHICH ARE FRAUDULENT OR MISUSED.

3. FOR THE PURPOSES OF THE FOREGOING: (A) AN ATTEMPT TO BOARD SHALL BE DEEMED TO HAVE OCCURRED AT THE TIME THAT AN INDIVIDUAL PRESENTS HIMSELF FOR CLEARANCE TO AN INSPECTOR OF THE UNITED STATES STATIONED IN THIS COMMONWEALTH, OR IN THE CASE OF A PERSON WHO FAILS TO PRESENT HIMSELF TO SUCH AN INSPECTOR, AT THE TIME HE BOARDS OR ATTEMPTS TO BOARD AN AIRCRAFT SUBJECT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE COMMONWEALTH OF THE BAHAMAS ON PRECLEARANCE SIGNED AT NASSAU ON 23 APRIL 1974. (B) A PERSON SHALL BE DEEMED TO BE IN POSSESSION OF ANY ARTICLE IF IT IS CARRIED ON HIS PERSON OR IN HIS BAGGAGE OR OTHER CONTAINER

BELONGING TO HIM OR IN HIS POSSESSION, INCLUDING HOLD  
BAGGAGE AND OTHER CONTAINERS.

4. IT SHALL BE (UNLAWFUL) (AN INDICTABLE OFFENSE) FOR ANY PERSON TO AID IN, OR TO FACILITATE IN ANY WAY, THE COMMISSION OF AN OFFENSE SPECIFIED ABOVE.
5. IT SHALL BE (UNLAWFUL) (AN INDICTABLE OFFENSE) FOR ANY PERSON TO BOARD OR ATTEMPT TO BOARD ANY AIRCRAFT SUBJECT TO SUCH AGREEMENT OR EXCHANGE OF NOTES AFTER PERMISSION TO BOARD HAS BEEN DENIED BY AN INSPECTOR OF THE UNITED STATES STATIONED IN THIS COMMONWEALTH.

6. ANY MERCHANTISE OR ARTICLES POSSESSED IN VIOLATION OF UNCLASSIFIED

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THE FOREGOING AND ANY CONTAINER USED IN CONNECTION THEREWITH SHALL BE SUBJECT TO SEIZURE AND FORFEITURE (IN THE SAME MANNER AS SMUGGLED GOODS UNDER BAHAMAS LAW); PROVIDED THAT, IF THE POSSESSION OF SUCH MERCHANTISE OR ARTICLES IS NOT OTHERWISE PROHIBITED BY THE LAWS OF THIS COMMONWEALTH SUCH MERCHANTISE OR ARTICLES SHALL BE DELIVERED INTO THE CUSTODY OF THE UNITED STATES CUSTOMS SERVICE FOR DISPOSITION UNDER THE LAWS AND REGULATIONS OF THE UNITED STATES.

7. ANY PERSON WHO (KNOWINGLY AND WILLFULLY OR FRAUDULENTLY) VIOLATES ANY OF THE FOREGOING PROVISIONS SHALL IN ADDITION TO ANY PENALTIES OTHERWISE IMPOSED BY THE LAWS OF THIS COMMONWEALTH AND IN ADDITION TO ANY OF THE SEIZURES AND FORFEITURES PROVIDED ABOVE BE FINED NOT MORE THAN

DOLLARS (BLANK), OR IMPRISONED NOT MORE THAN (BLANK)

YEAR(S), OR BOTH. END QUOTE. VANCE

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## Message Attributes

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**Review Markings:**  
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